Mr. G. Idichandy, B. A., Bar-at-Law (*Mavelikara*) remarked that the want of a codified law of inheritance was a great impediment to the progress of the Native Christian community. Many suits were being every day launched in courts and large sums of money wasted on them. He too requested that a commission of experienced and enlightened members from among the Christian community might be appointed to investigate and collect the customary law on the subject and submit a report to Government and that public opinion might then be invited thereon and a law passed conducive to the material advancement of the Christian community of the State.

Reply.—Considering the diversity in the general law applicable to all Christians, no legislation can be effected satisfying the interests of the entire Christian community. Each section of Christians seems to have its own customary law modifying the general principles of the canon law. But if particular communities desiring legislation come forward with definite proposals before the Legislative Council, the matter will be considered and a commission appointed if deemed necessary.

78. Introduction of certain changes in the present Marumakkathayam law and procedure.

Mr. P. Kesava Pillai, B. A., B. L., (*Quilon*) suggested the desirability of introducing the following changes in the Marumakkathayam law and procedure :—

(*a*) With regard to sale of tarawad properties, the present rule is that the consent of junior members may be proved orally. This should be changed and provision made for such consent being evidenced by a registered instrument, whenever the sale itself is evidenced by such instrument.

(*b*) Mortgages of tarawad properties should be placed on the same footing as sales, so far as the consent of junior members is concerned.

(*c*) The present law regarding tarawad property was that on the one hand it could be sold in execution of a decree against the Karnavan, and, on the other, it could be set aside by the junior members by a regular suit. This led to multiplicity of suits. It would be desirable to exempt tarawad property from liability to sale in court auctions except under decrees to which all the adult members of the tarawad were parties at the date of suit.

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(*d*) In suits of other kinds also touching tarawad interests, junior members should be impleaded as parties.

(*e*) In cases in which junior members question the validity of debts as against the tarawad creditors, they should be required to prove not only that they advanced money to the Karnavan but also that they were satisfied that the tarawad had a necessity to be met by the loan in question.

(*f*) The legal fiction that among Marumakkathayees the descendants of a common ancestress who are living in separate houses, separately enjoying ancestral property and managing affairs separately, are joint in law unless such separate residence, &c., have lasted for a number of years, should be done away with and such persons held to have no community of interest.

(*g*) Branches of Marumakkathayam tarawads related to one another more remotely than through a common grandmother should be given the right of asking for a division of tarawad property.

(*h*) Complete power of bequest should be given to Marumakkathayees over their self-acquisition.

(*i*) In the case of a Marumakkathayee dying intestate, his self-acquisition should go to his wife and children.

He said that the first five points related merely to matters of procedure, the next two touched the fundamental principles of Marumakkathayam law, while the last two were rules which the educated members of the community would wish to have introduced. The present rules on the subject were open to several objections. They were opposed to the rudimentary principles of Marumakkathayam law and the custom of the country. If, on the other hand, the rules suggested by him could be adopted, it would place the Marumakkathayam law on an intelligible basis and bring it into conformity with the custom of the State. A large mass of suits by junior members to set aside alienations of property by Karnavans would disappear and this would be a source of gain to Marumakkathayam tarawads. Karnavans and Seshakars would no longer look upon each other with feelings of suspicion and the management of Marumakkathayam tarawads would be rendered smooth and efficient. He requested that Government might be pleased to call upon one of the members of the Legislative Council

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to introduce a Bill, or institute a commission to make enquiries into the matter and submit a report.

Mr. K. Krishnan Pandalay, B. A., B. L., (*Quilon*) submitted a memorial signed by 28 out of the 49 members of the present Assembly following the Marumakkathayam law of inheritance, praying for the early appointment of a commission by Government to enquire as to how far partition could be allowed in Marumakkathayam tarawads and submit a report after ascertaining the trend of public opinion on the subject. The memorial pointed out that this was one of the subjects pressed upon the consideration of Government at the last session of the Assembly and Government then gave a sympathetic reply. (The memorial is published as Appendix B to these Proceedings).

Mr. N. Vasudevan Pillai (*Kartigapalli*), *Mr. Kesavan Padmanabhan* (*Mavelikara*), *Mr. N. Padmanabha Pillai and Mr. K. Kochu Thomman* (*Chengannur*), *Mr. S. Krishna Pillai* (*Tiruvalla*), *Mr. Narayanan Velayudhan and Mr. Padmanabhan Parameswaran* (*Pathanapuram*), *Mr. Padmanabhan Tampi* (*Vilavancode*) *and Mr. T. Marthandan Tampi, B.A.,* (*Trivandrum*) supported the views of the previous speakers.

Mr. K. Parameswaran Pillai, B. A., B. L., (*Nayar Samajam, Quilon*) also prayed that partition might be allowed among the different branches of Marumakkathayam tarawads, that the self-acquisition of junior members might be inherited by their direct seshakars instead of sinking in the tarawad fund and that the testamentary powers of the Marumakkathayees might be enhanced.

Reply.—This subject was brought up last year and the reply given was that if the arguments were put in a connected form and placed before Government, they would do their best to meet the wishes of the members in regard to the appointment of a commission to investigate the matter. Upon this, what I would regard as the proper action is not to wait for another year and bring up the subject again at the Assembly but to make a united representation, indicating the lines on which legislation is deemed necessary. You have now presented a joint memorial. The question is a very important, but a difficult one and it is not easy to determine off-hand whether legislation is necessary or not. The matter will receive due consideration, if a proper representation is made by the majority of the people who are likely to be affected by the proposed changes. This will be awaited

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for some time and Government will then proceed to take action on the proposals now made.

79. Appointment of a Commission to enquire into the propriety of granting the right of partition to the Nanjanad Vellalas.

Mr. P. Mathevan Pillai (*Nanjanattar Sabha, Nagercoil*) said that he would present a separate memorial on the subject.

Reply.—This is akin to the previous subject and the same reply will apply to it also.

80. That certain proceedings of the Judicial department are detrimental to the interests of the public.

Mr. C. Padmanabha Pillai (*Karunagapalli*) said that there were delays and irregularities in many of the proceedings of the judicial department. Though there was a rule that decrees should be given within two weeks after the pronouncement of judgment, this was seldom observed in practice, nor were decrees executed with expedition. Warrants for execution were hardly issued in time and batta was not properly paid to the witnesses. The attendance of judicial officers was irregular and calendars were not properly examined. Further, the present rule was that in suits valued above Rs. 500 the appeal should be presented only to the High Court, while in the case of suits below that sum the District Courts could afford relief. He suggested that in all cases the appeal should lie to the District Court in the first instance. All the witnesses appearing in a case were not examined and this tended towards miscarriage of justice. Encumbrance certificates were now required to be produced only for properties worth above Rs. 250, but even this was a hardship and it would be better to dispense with their production altogether. Interest was now adjudged on no uniform principle, some judicial officers calculating it from the date of plaint and others from the date of judgment. The latter was the correct rule. Affidavits might be dispensed with and oaths substituted in lieu of them. Copies of judicial records were indistinctly made and not expeditiously issued. Copying fees amounted to 8 chs. and comparing fees to 1 ch. per sheet. The member suggested that the former might be reduced to 4 chs. and the latter abolished altogether. He concluded by observing that judicial officers in some places collected money from litigants for the performance of religious ceremonies in temples and prayed that this and other irregularities above detailed by him might be put a stop to.

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